

UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
ASSISTANT SECRETARY AND COMMISSIONER OF
PATENTS AND TRADEMARKS
Washington, D.C. 20231

MAILED: DEC 13

Paper No.: 84

In re Application of
Brad Baker
Serial No.: 09/607,313
Filed: June 28, 2000
For: PAINT SET CONFECTIONERY

:
: DECISION ON PETITION
: TO MAKE SPECIAL UNDER
: 37 C.F.R. 1.102 -
: II. INFRINGEMENT

This is a decision on the PETITION TO MAKE SPECIAL BECAUSE OF ACTUAL INFRINGEMENT (37 C.F.R. 1.102 AND M.P.E.P. 708.02) filed June 28, 2000, along with the requisite fee, in the above-noted application. The petition, with accompanying affidavit of Mr. Brad Baker, meets all the requirements of section 708.02-II of the Manual of Patent Examining Procedure (MPEP).

If the examiner can make this case special without prejudice to any possible interfering applications, and the examiner should make a rigid search for such, the examiner is authorized to do so for the next action. Should the application be rejected, the case will not be considered special for the subsequent action unless the applicant promptly makes a bona fide effort to place the case in condition for allowance, even if it is necessary to have an interview with the examiner to accomplish this purpose.

If the examiner finds any interfering application for the same subject matter, the examiner should consider such application simultaneously with this case and should state in the official letter of such application that the examiner is taking it out of its turn because of a possible interference.

Should an appeal be taken in this case or should this case become involved in an interference, consideration of the appeal and the interference will be expedited by Patent and Trademark Office officials concerned, contingent likewise upon diligent prosecution by the applicant.

After allowance, this case will be given priority for printing. See MPEP 1309. The petition has been considered and found to comply with the requirements set forth under the above noted sections. Accordingly, the petition is granted.

The petition is GRANTED.



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